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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA

8
9 JOHN CERVANTES,) No. CV-F-05-132 REC/WMW P
10)
11 Plaintiff,) ORDER DENYING PLAINTIFF'S
12) MOTION FOR RECONSIDERATION
13) (Doc. 16)
14)
15 vs.)
16)
DERRAL G. ADAMS,)
)
15 Defendant.)
16 _____)

17 The court hereby denies plaintiff's motion for
18 reconsideration. As the court previously ruled, a certificate of
19 appealability is not a precondition to an appeal from the
20 resolution of an action brought pursuant to 42 U.S.C. § 1983.
21 Plaintiff's Notice of Appeal to the Ninth Circuit has been filed
22 with this court and the appeal is presently being processed to
23 the Ninth Circuit where it will be heard pursuant to the Ninth
24 Circuit's schedule.

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1 IT IS SO ORDERED.

2 **Dated:** September 12, 2005
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE

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